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JUN 18 2004

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Express Mail ER 789764289 US

Appeal, and request for Expedited Relief, to the Federal Communications Commission on behalf of Por Vida, Inc.

June 16, 2004

96-45

Secretary
Office of the Secretary
Federal Communications Commission
445 - 12th Street, S.W., Room TW-204B
Washington, D. C. 20554

This is an appeal from a decision by the Schools and Libraries Division of the USAC.

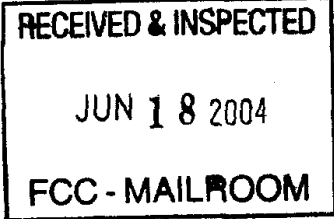
Enclosed are the original and four copies of the Appeal. An extra copy is also enclosed. Please time stamp the extra copy and return it to me in the enclosed self addressed stamped envelope.

Nathaniel Hawthorne

Nathaniel Hawthorne
Attorney for Baldwin County School District

Enclosures

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List ABCDE



Express Mail ER 789764289 US

Before the
Federal Communications Commission
Washington, D.C. 20554

In the Matter of the)	File No. SLD -
)	
Appeal of the Decision of the)	
)	
Universal Service Administrator by)	
the)	
)	
Baldwin County School District)	
)	
)	
)	CC Docket No. 96 - 45
Federal-State Joint Board on)	
Universal Service)	
Changes to the Board of Directors of)	
The National Exchange Carrier)	
Association, Inc.)	CC Docket No. 97 - 21

Appeal
and
Request for Expedited Relief
on behalf of the
Baldwin County School District

June 16, 2004

Marlene H. Dortch
Office of the Secretary
Federal Communications Commission
445 12th Street, S.W. Suite TW-A325
Washington, D.C. 20554

This is an appeal from a decision by the Schools and Libraries Division of the USAC.

Enclosed are the original and four copies of the Appeal. An extra copy is also enclosed.

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(1) **Funding Commitment Decision Letter Appealed**

Form 471 Application Number:	432959
Funding Year 2003:	07/01/2003-06/30/2004
Billed Entity Number:	127441
Date of Funding Denial Notice:	May 26, 2004
Date of Appeal:	June 16, 2004

(2) **SLD Contact Information**

- (a) Tina Mason
tmason@baldwin.k12.ga.us
- (b) Nathaniel Hawthorne, Attorney (To discuss this Appeal)
27600 Chagrin Blvd., Ste 265
Cleveland, OH 44122
Tel. (216) 514.4798

(3) **Funding Request Numbers Appealed**

FRN –1205394

(4) **SLD's Reason for Funding Denial**

The SLD stated that funding is denied because:

“30% or more of this FRN includes a request for Multi-Site Servers which are ineligible based on program rules.”

(5) **The “30% rule” was incorrectly applied by the SLD.**

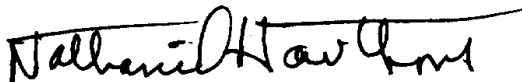
- b) **The Shoreline Multi Site Server is operational software and licensing used in a VoIP phone system. Functionally, it processes phone calls (similar to call processing software for a PBX or Key Systems), it is the same as Cisco Call Manager. This VoIP operational software will be loaded on a customer provided server.**
- c) The manufacturer of the software is Shoreline Communications, Inc. There is no manufacturer make or model of the software. However, the reseller, Progressive Communications, Inc. assigned 30003 as the part number for their usage. (Shoreline is a direct competitor to Cisco VoIP).
- d) The FCC's 30% rule provides, *in relevant part*, "[if] 30% or more of the dollar amount of the request in Form 471 Block 5 Item 23K is for ineligible services (including services for ineligible entities or uses), the PIA team will deny the entire Block 5 funding request, even if eligible components are part of the request. If less than 30% of the dollar amount of the request in Form 471 Block 5 Item 23K is for ineligible services, the PIA team will reduce the request by the cost of the ineligible components, and the Funding Commitment Decision Letter will cite the ineligible services for which funds were not committed. If the request is reduced, applicants and service providers must ensure that the SLD is not invoiced for the ineligible items. [Emphasis added.] **Here, there are no ineligible expenses included in Baldwin's USF request.**
- e) Based on the 30% rule and the attached exhibit, Exhibit A, there is no factual basis for the denial.

Conclusion:

Baldwin is Requesting the Following Action by the FCC:

- (a) Within 90 days or less Order funding for the telecommunications services requested in the 471 Application, specifically FRN -941988;**
- (b) Set aside funds to totally fund Baldwin's request.**

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Nathaniel Hawthorne", with a long horizontal line extending from the end of the signature.

Nathaniel Hawthorne

District of Columbia Bar No. : 237693
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tel.: 216/514.4798
e-mail: nhawthorne@earthlink.net

Attorney for
Baldwin County School District

Exhibit A



Corporate
Alliance



SOLUTIONS

IP Call Processing Solutions: Cisco CallManager on IBM @server xSeries 330 and 342

IBM and Cisco: Next Generation e-business Solutions

Highlights:

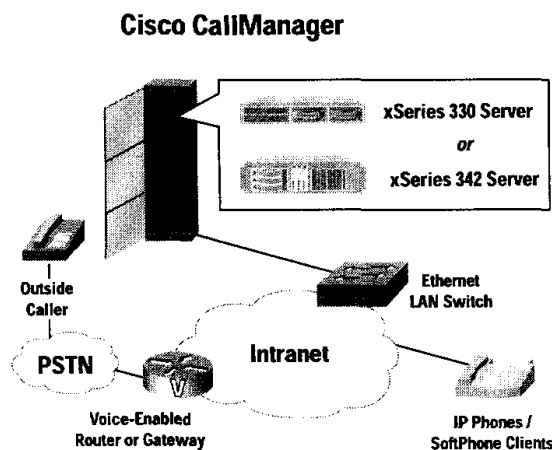
- Provides a scalable, distributable, and highly available enterprise IP telephony call-processing solution
- Delivers bottom line results in reducing total cost of ownership over traditional enterprise telephony networks
- Offers assessment, planning, and installation services from IBM
- Provides an essential building block for IP-based call centers

IP Call Processing with CallManager on IBM @server

Shareline's as

Cisco CallManager is the software-based call-processing component of the Cisco IP telephony solution, part of Cisco AVVID (Architecture for Voice, Video and Integrated Data). The software extends enterprise telephony features and functions to packet telephony network devices. When installed on an IBM @server xSeries 330 or 342 server, Cisco CallManager provides basic call processing, signaling, and connection services to configured devices including IP phones and soft-phones, Voice over IP gateways, software applications, and other devices.

Cisco CallManager has been tested and made available to run on IBM @server xSeries 330 and 342. Planning, installation, and configuration services are available from IBM Global Services consultants. Using proven methodologies, IBM service professionals can quickly deploy and tailor Cisco CallManager to meet the demands of fast-growing e-business environments.



IBM @server xSeries 330 and 342 Servers Provide Reliability that Grows with Your Business

IBM @server xSeries provides a highly reliable and scalable server platform for Cisco CallManager. These Intel-based, industry-standard servers are rack optimized to deliver powerful performance in the smallest package. Offering a unique combination of high availability design and outstanding support, the @server xSeries delivers the reliability enterprises need to deploy Cisco CallManager with confidence.

IBM @server xSeries 330 will accommodate up to 500 Cisco CallManager users, with the @server xSeries 342 accommodating up to 2,500 users. Scalability for up to 10,000 users is available by networking server clusters.

IBM service professionals can quickly deploy and tailor Cisco CallManager to meet the demands of fast-growing e-business environments.

Benefits of the IBM @server xSeries 330 and 342:

- Reduced downtime with predictive system management capability
- Multiple levels of redundancy to help eliminate single points of failure
- Compact design for constrained data centers
- Optimized to deliver powerful performance
- Scalable to accommodate future growth

IBM Global Services Provides Real Business Value

In today's complex e-business environment, IBM Global Services leads the competition in meeting customer needs for enabling new growth and reducing operating costs. IBM Global Services offers network consulting and assessment; solution deployment and implementation; business expansion planning; and quality project management.

These professionals can help you design a flexible, high performance end-to-end network infrastructure that provides a competitive advantage and expands the opportunities for your e-business.

Enterprise Next Generation Scalability

As the call processing component of the end-to-end Cisco IP telephony solution, Cisco CallManager provides signaling and call control devices to Cisco integrated applications as well as third-party applications. Cisco CallManager is central to the distributed architecture of any converged network. The end result to the enterprise business is industry-leading scalability and system availability. The architecture also sets the stage for next generation integrated web, voice, and video applications thereby enhancing the ability of the enterprise to deliver customer care solutions through multiple media.

With IBM's expertise in network integration and deployment, you can rest assured that your business will be ready for the next generation technology. We help you securely integrate and support data, voice, and video networks, enable intelligent network infrastructures, and leverage new technologies—virtual private networking, optical, storage area networks, voice and video over IP, content delivery networks, and mobile and wireless—to connect, run, and grow your business.



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Lit.# 955992